

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KELLEY TROY COOLEY,)	
)	
Petitioner,)	Case No. 1:10-cv-2-SJM-SPB
)	
v.)	
)	
PENNSYLVANIA BOARD OF ,)	
PROBATION AND PAROLE, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

The instant petition for writ of habeas corpus was received by the Clerk of Court on January 4, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on July 15, 2011 [27], recommends that the instant petition for writ of habeas corpus be denied and that a certificate of appealability also be denied. The parties were allowed fourteen (14) days from the date of service in which to file objections. On August 18, 2011, Petitioner filed objections [31] to the Report and Recommendation. On August 24, and September 8, 2011, he filed (respectively) an affidavit [32] and a supplement [33] in support of his objections.

After de novo review of the petition and documents in the case, together with the Report and Recommendation and Petitioners' objections, affidavit, and supplement in response thereto, the following order is entered:

AND NOW, this 11th Day of October, 2011;

IT IS ORDERED that the instant petition for writ of habeas corpus be, and hereby is, DENIED. Inasmuch as reasonable jurists would not find it debatable whether Petitioner's claims are procedurally defaulted and/or fail to make a substantial showing of the denial of a constitutional right, IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation of Magistrate Judge Baxter, filed on July 15, 2011 [27], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

Cm: All parties of record.

U.S. Magistrate Judge Susan Paradise Baxter